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Rules of Procedure of the Commission on the Limits of the Continental Shelf[1]

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[1] The Rules of Procedure were submitted for translation later than originally scheduled owing to the need for additional consultations with the members of the Commission.

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Foreword

This document contains the latest version of the Rules of Procedure of the Commission on the Limits of the Continental Shelf, embodying amendments and additions adopted by the Commission as at 30 April 2004. Annexes I and II of the present Rules were adopted by the Commission at its fourth session, held from 31 August to 4 September 1998. Annex III was adopted by the Commission at its thirteenth session, held from 26 to 30 April 2004, and replaced the Modus Operandi of the Commission (CLCS/L.3 — 12 September 1997) and the Internal procedure of the subcommission of the Commission on the Limits of the Continental Shelf (CLCS/L.12 — 25 May 2002).

Consequently, the present Rules and their annexes supersede and replace documents CLCS/L.3 (12 September 1997) and CLCS/L.12 (25 May 2002) as well as all previously issued documents containing the Rules of Procedure of the Commission and their revisions or corrections (documents CLCS/3 (12 September 1997), CLCS/3/Corr.1 (27 April 1998), CLCS/3/Rev.1 (14 May 1998), CLCS/3/Rev.2 (4 September 1998), CLCS/3/Rev.2/Corr.1 (28 March 2000), CLCS/3/Rev.3 (6 February 2001), CLCS/3/Rev.3/Corr.1 (22 May 2001)).

Rules of Procedure of the Commission on the Limits of the Continental Shelf

I. Introduction

Rule 1
Use of terms

For the purposes of these Rules:

"Convention" means the 1982 United Nations Convention on the Law of the Sea;

"Statement of Understanding" means the Statement of Understanding adopted on 29 August 1980 by the Third United Nations Conference on the Law of the Sea and contained in Annex II to its Final Act;

"Guidelines" means the Scientific and Technical Guidelines of the Commission on the Limits of the Continental Shelf, unless otherwise specified;

"Commission" means the Commission on the Limits of the Continental Shelf, established in accordance with article 76, paragraph 8, and Annex II to the Convention;

"Secretary-General" means the Secretary-General of the United Nations, unless otherwise specified;

"Secretariat" means the Secretariat of the United Nations;

"States Parties" means States Parties to the Convention;

"Meeting of States Parties" means a meeting of States Parties to the Convention convened in accordance with the relevant provisions of the Convention.

II. Sessions and meetings

Rule 2
Sessions and meetings

1. The Commission shall hold sessions at least once a year and as often as is required for the effective performance of its functions under the Convention, in particular, to consider submissions by coastal States and to make recommendations thereon. A session may include several meetings of the Commission and its subcommissions.

2. Taking into account financial considerations that may influence the frequency of its sessions, the Commission shall be convened:

(a) At the request of the Chairperson of the Commission;

(b) At the request of a majority of the members of the Commission;

(c) At the request of the Secretary-General; or

(d) By a decision of the Commission.

Rule 3
Notification of opening date of session

The Secretary-General shall notify the members of the Commission of the date, place and duration of a session as soon as possible, but no later than sixty days in advance of its opening date. Any coastal State whose submission is to be considered at the session shall also be notified.

Rule 4
Venue

1. Sessions of the Commission and its subcommissions shall normally be held at United Nations Headquarters in New York.

2. Another venue for an entire session, or any part thereof, may be designated by the Commission in consultation with any coastal State which made a submission to be considered at that session and with the Secretary-General, subject to the requirements established by the United Nations that no additional costs are directly or indirectly incurred by the United Nations.

Rule 5
Agenda

1. The provisional agenda of each session shall be prepared by the Secretary-General in consultation with the Chairperson of the Commission.[2]

2. The Secretary-General shall transmit the provisional agenda to the members of the Commission together with the notification referred to in rule 3 and with the names of any members of the Commission who have provided any coastal State concerned with scientific and technical advice.

3. The Commission may include in its agenda any other item relevant to the effective performance of its functions.

4. The Commission shall adopt the agenda at the beginning of the session.

5. During a session, the Commission may revise the agenda.

III. Members of the Commission

Rule 6
Members

The Commission shall consist of the members elected pursuant to article 2 of Annex II to the Convention.

Rule 7
Term of office

1. In accordance with article 2, paragraph 4, of Annex II to the Convention, the members of the Commission shall be elected for a term of five years and they shall be eligible for re-election.

[2] For the preparation of the provisional agenda in case of coastal State submissions, see rule 51, paragraph 1, as well as paragraph 2 of Annex III to the Rules of Procedure.

2. The members of the Commission elected at the first election shall begin their term of office on the date of the first meeting of the Commission.

3. The term of office of the members of the Commission elected at subsequent elections shall begin on the day after the date of expiry of the term of office of the members of the Commission whom they replace.

Rule 8
By-elections

If a member of the Commission dies or resigns or for any other cause can no longer perform his or her duties, the Meeting of States Parties shall elect a member for the remainder of the predecessor's term. Such by-elections shall be carried out in accordance with article 76 and Annex II to the Convention.

Rule 9
Expenses of members

In accordance with article 2, paragraph 5, of Annex II to the Convention:

(a) The State Party which submitted the nomination of a member of the Commission shall defray the expenses of that member while in performance of Commission duties;

(b) The coastal States requesting the scientific and technical advice referred to in article 3, paragraph 1 (b), of Annex II to the Convention shall defray the expenses incurred in respect of this advice.

Rule 10
Solemn declaration

Before assuming his or her duties, each member of the Commission shall make the following solemn declaration in the Commission:

> "I solemnly declare that I will perform my duties as a member of the Commission on the Limits of the Continental Shelf honourably, faithfully, impartially and conscientiously."

Rule 11
Duty to act independently

In the performance of their duties, members of the Commission shall not seek or receive instructions from any Government or from any other authority external to the Commission. They shall refrain from any action which might reflect negatively on their position as members of the Commission.

IV. Officers

Rule 12
Elections

The Commission shall elect from among its members a Chairperson and four Vice-Chairpersons.

Rule 13
Term of office

The officers of the Commission shall be elected for a term of two and a half years. They shall be eligible for re-election.

Rule 14
Acting Chairperson

1. If the Chairperson is absent from a session, or any part thereof, the Commission shall designate one of the Vice-Chairpersons to act in his or her place.

2. A Vice-Chairperson acting as Chairperson shall have the same powers and duties as the Chairperson.

Rule 15
Replacement of officers

If any of the officers of the Commission ceases to be, or declares his or her inability to continue serving as, a member of the Commission, or for any reason is no longer able to act as an officer, a new officer shall be elected for the unexpired term of his or her predecessor.

V. Secretariat

Rule 16
Duties of the Secretary-General

1. The Secretary-General shall act in that capacity in all sessions of the Commission and meetings of its subcommissions and any subsidiary bodies which it may establish. The Secretary-General may designate a member of the Secretariat to participate on his or her behalf.

2. The Secretary-General shall be responsible for making the arrangements related to the sessions of the Commission and meetings of its subcommissions and any subsidiary bodies which it may establish and shall provide and direct the staff required for such sessions and meetings.

3. The Secretariat shall perform all work that the Commission may require for the effective performance of its functions.

Rule 17
Statements by the Secretary-General and members of the Secretariat

The Secretary-General or any member of the Secretariat designated by him or her may make oral or written statements at any meeting of the Commission and of its subcommissions.

Rule 18
Financial implications of proposals

Before any proposal that involves expenditures is approved by the Commission, the Secretary-General shall prepare and circulate to the members of the Commission, as early as possible, an estimate of the cost involved in the

proposal. The Chairperson shall draw the attention of members to this estimate and invite discussion on it when the proposal is considered by the Commission or any subsidiary body.

VI. Languages

Rule 19
Official and working languages

1. The official and working languages of the Commission shall be Arabic, Chinese, English, French, Russian and Spanish.

2. In the absence of objections by any member, the Commission may decide not to use some of its official and working languages for any particular meeting, taking into account the language preferences of the members of the Commission participating at that meeting and of any coastal State whose submission is under consideration.[3]

Rule 20
Interpretation

Subject to rule 19, paragraph 2, speeches made in any of the languages of the Commission shall be interpreted into the other languages.

Rule 21
Interpretation from a language other than the languages of the Commission

Oral statements may be made in a language other than the languages of the Commission, provided the person making the statement arranges for interpretation into one of the languages of the Commission. Interpretation into the other languages of the Commission may be based on the interpretation given in the first such language.

Rule 22
Languages of documents of the Commission

Documents of the Commission shall be issued in the languages of the Commission, unless otherwise decided by the Commission. The languages of the recommendations of the Commission shall be in accordance with rule 53, paragraph 3.

VII. Public and private meetings

Rule 23
Public and private meetings

The meetings of the Commission, its subcommissions and subsidiary bodies shall be held in private, unless the Commission decides otherwise.

[3] For the working language of the subcommissions see paragraph 4 of Annex III.

VIII. Conduct of business

Rule 24
Quorum

Two thirds of the members of the Commission, subcommission or subsidiary body shall constitute a quorum.

Rule 25
Powers of the Chairperson

1. In addition to exercising the powers conferred upon him or her elsewhere by these Rules, the Chairperson shall declare the opening and closing of each session and meeting of the Commission, direct the discussion, ensure observance of these Rules, accord the right to speak, put questions to the vote and announce decisions. The Chairperson shall rule on points of order and, subject to these Rules, shall have complete control over the proceedings and over the maintenance of order thereat. He or she may propose to the Commission the limitation of time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, the adjournment or closure of the debate and the suspension or adjournment of a meeting.

2. The Chairperson, in the exercise of his or her functions, remains under the authority of the Commission.

Rule 26
Points of order

During the discussion of any matter, a member may at any time raise a point of order, which shall be immediately decided by the Chairperson in accordance with the present Rules. Any appeal against the ruling of the Chairperson shall be immediately put to the vote, and the ruling of the Chairperson shall stand unless overruled by a majority of the members present and voting. A member may not, in raising a point of order, speak on the substance of the matter under discussion.

Rule 27
Time limits on speakers

The Commission may limit the time allowed to each speaker on any question. When debate is limited and a speaker exceeds the allotted time, the Chairperson shall call the speaker to order without delay.

Rule 28
Closure of debate

During the discussion of any matter, a member may move the closure of the debate on the item under discussion, whether or not any other member has signified a wish to speak. Permission to speak on the closure of the debate shall be accorded only to the member who proposed the motion, and to one member who opposes it and one member who favours it, after which the motion shall be immediately put to the vote.

Rule 29
Adjournment of debate

During the discussion of any matter, a member may move the adjournment of the debate on the item under discussion. Permission to speak on the adjournment of the debate shall be accorded only to the member who proposed the motion, and to one member who opposes it and one member who favours it, after which the motion shall be immediately put to the vote.

Rule 30
Suspension or adjournment of the meeting

During the discussion of any matter, a member may move the suspension or adjournment of the meeting. No discussion on such motions shall be permitted, and they shall be immediately put to the vote.

Rule 31
Order of motions

The motions indicated below shall have precedence in the following order over all proposals or other motions before the meeting:

(a) To suspend the meeting;

(b) To adjourn the meeting;

(c) To adjourn the debate on the question under discussion; and

(d) To close the debate on the question under discussion.

Rule 32
Submission of proposals by members of the Commission

Proposals by members of the Commission shall be submitted in writing to the Chairperson of the Commission and copies thereof shall be circulated to all members of the Commission by the Secretariat.

Rule 33
Decisions on competence

Any motion calling for a decision on the competence of the Commission to adopt a proposal submitted to it shall be put to the vote before a decision is taken on the proposal in question.

Rule 34
Reconsideration of proposals by members of the Commission

When a proposal has been adopted or rejected, it may not be reconsidered unless the Commission, by a two-thirds majority of the members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing reconsideration, after which the motion shall be immediately put to the vote.

IX. Voting

Rule 35
General agreement

1. The Commission, its subcommissions and subsidiary bodies shall make their best endeavours to ensure that their work is accomplished by general agreement.

2. Accordingly, the Commission, its subcommissions and subsidiary bodies shall make every effort to reach agreement on substantive matters by way of consensus and there shall be no voting on such matters until all efforts to achieve consensus have been exhausted.

Rule 36
Voting rights

Each member of the Commission shall have one vote.

Rule 37
Majority required

1. Subject to rule 35, decisions of the Commission, subcommission or subsidiary body on all matters of substance shall be taken by a two-thirds majority of the members present and voting. For the Commission, this shall include the establishment of subcommissions, the approval of the recommendations prepared by a subcommission, requests for advice by specialists, cooperation with competent international organizations, as well as the amendment of the existing and the adoption of new Rules and other regulations, guidelines and annexes to these Rules.

2. Except as otherwise provided in these Rules, decisions of the Commission on all matters of procedure shall be taken by a majority of the members present and voting.

3. If the question arises whether a matter is one of procedure or of substance, the Chairperson of the Commission shall rule on the question. Any appeal against this ruling shall be put to the vote immediately, and the Chairperson's ruling shall stand unless overruled by a majority of the members present and voting.

4. If a vote is equally divided on a matter other than the election of officers, which is regulated by rule 40, paragraph 4, the proposal or motion shall be regarded as rejected.

5. For the purpose of these Rules, the phrase "members present and voting" means members casting an affirmative or negative vote. Members who abstain from voting shall be regarded as not voting.

Rule 38
Method of voting

The Commission shall normally vote by a show of hands, except as provided for in rule 40.

Rule 39
Conduct during voting

After the Chairperson has announced the commencement of voting, no member shall interrupt the voting except on a point of order raised in connection with the process of voting.

Rule 40
Election of officers

1. All elections shall be held by secret ballot unless, in the absence of any objection, the Commission decides to proceed without taking a ballot when there is an agreed candidate or slate.

2. A single ballot shall be taken in respect of all places to be filled at one time under the same conditions. Those candidates, in a number not exceeding the number of places to be filled, obtaining a majority of the votes cast and the largest number of votes, shall be elected.

3. If the number of candidates obtaining such a majority is less than the number of places to be filled, additional ballots shall be held to fill the remaining places, the voting being restricted to the candidates obtaining the greatest number of votes in the previous ballot to a number not more than twice the places remaining to be filled.

4. If a tie vote between two or more candidates persists for two successive ballots, a decision, by lot drawn by the Chairperson, shall be taken as to which candidate shall be chosen.

Rule 41
Announcement of the outcome of a voting and of the election of the officers

The Chairperson shall announce the outcome of any voting and, in the case of elections pursuant to rule 40, the names of the officers who have been elected.

X. Subcommissions and other subsidiary bodies

Rule 42
Subcommissions

1. If, in accordance with article 5 of Annex II to the Convention, the Commission decides to establish a subcommission for the consideration of a submission, it shall:

(a) Identify any members of the Commission who are defined as ineligible, in accordance with article 5 of Annex II to the Convention, i.e. nationals of the coastal State making the submission and members who have assisted the coastal State by providing scientific and technical advice with respect to the delineation;

(b) Identify any members of the Commission who may, for other reasons, be perceived to have a conflict of interest regarding the submission, e.g., members who are nationals of a State which may have a dispute or unresolved border with the submitting State;

(c) Through informal consultations among the members of the Commission, nominate candidates for the subcommission other than those identified in

subparagraph (a), taking into account the factors regarding the members identified in paragraph (b), and the specific elements of the submission as well as, to the extent possible, the need to ensure a scientific and geographical balance; and

(d) Appoint from among the nominated candidates seven members of the subcommission.

2. The term of a subcommission shall extend from the time of its appointment to the time that the submitting coastal State deposits, in accordance with article 76, paragraph 9, of the Convention, the charts and relevant information, including geodetic data, regarding the outer limits for that part of the continental shelf for which the submission was originally made.

3. A member of the Commission can be appointed to be a member of more than one subcommission. Members of the Commission identified under subparagraph 1 (a) have the right to participate as members in the proceedings of the Commission concerning the said submission. Such members, by prior consultation and agreement within the subcommission, may be invited to participate in the proceedings of the subcommission on specific issues concerning the said submission without the right to vote.

Rule 43
Other subsidiary bodies

The Commission may establish such other subsidiary bodies composed of its members as may be required for the effective performance of its functions.

Rule 44
Conduct of business

1. Each subcommission or other subsidiary body established by the Commission shall elect its own Chairperson and two Vice-Chairpersons, and report the results of the election to the Commission.

2. The present Rules apply mutatis mutandis to the conduct of business of the subcommissions and other subsidiary bodies.

XI. Submission by a coastal State

Rule 45
Submission by a coastal State

In accordance with article 4 of Annex II to the Convention:

(a) Where a coastal State intends to establish the outer limits of its continental shelf beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured, it shall submit particulars of such limits to the Commission along with supporting scientific and technical data as soon as possible, but in any case within ten years of the entry into force of the Convention for that State. In the case of a State Party for which the Convention entered into force before 13 May 1999, it is understood, in accordance with the "Decision regarding the date of commencement of the ten-year period for making submissions to the Commission on the Limits of the Continental Shelf set out in article 4 of Annex II to the United Nations Convention on the Law of the Sea" (SPLOS/72 of

29 May 2001), that the ten-year time period referred to in article 4 of Annex II to the Convention shall be taken to have commenced on 13 May 1999.[4]

(b) The submitting State shall at the same time give the names of any Commission members who have provided it with scientific and technical advice.

Rule 46
Submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes

1. In case there is a dispute in the delimitation of the continental shelf between opposite or adjacent States or in other cases of unresolved land or maritime disputes, submissions may be made and shall be considered in accordance with Annex I to these Rules.

2. The actions of the Commission shall not prejudice matters relating to the delimitation of boundaries between States.

Rule 47
Form and language of submission

1. A submission shall conform to the requirements established by the Commission.[5]

2. A submission, as well as its annexes, attachments and other supporting material, shall be made in one of the official languages of the Commission. If made in an official language other than English, it shall be translated by the Secretariat into English. In order to enable the Secretary-General to make public the proposed outer limits pursuant to the submission, as envisaged in rule 50, the executive summary of the submission shall be translated expeditiously, given the time frame required for such translation by the rules of the Secretariat. Taking into account the volume and complexity of the main body and supporting scientific and technical data of the submission, a reasonable time should be allowed for the completion of

[4] The election of the members of the Commission was postponed until March 1997 by a decision of the Third Meeting of States Parties to the Convention, held from 27 November to 1 December 1995. Since the Convention entered into force on 16 November 1994 for the 60 States whose ratifications made that entry into force possible and the commencement of the ten-year period began for them on that date, the Meeting agreed that should any one of those States be affected adversely in respect of its obligations under the Convention as a consequence of the change in the date of the election, States Parties, at the request of such a State, would review the situation with a view to ameliorating the difficulty in respect of that obligation (SPLOS/5, paragraph 20). The Eleventh Meeting of States Parties to the Convention, held from 14 to 18 May 2001, noted that it was only after the adoption of the Scientific and Technical Guidelines by the Commission on 13 May 1999 that States had before them the basic documents concerning submissions in accordance with article 76, paragraph 8, of the Convention. Considering the problems encountered by States Parties, in particular developing countries, including small island developing States, in complying with the time limit set out in article 4 of Annex II to the Convention, the Meeting of States Parties decided that (a) in the case of a State Party for which the Convention entered into force before 13 May 1999, it is understood that the ten-year time period referred to in article 4 of Annex II to the Convention shall be taken to have commenced on 13 May 1999; and that (b) the general issue of the ability of States, particularly developing States, to fulfil the requirements of article 4 of Annex II to the Convention be kept under review (SPLOS/72).

[5] For the format of the submission, *see* paragraph 1 of Annex III.

the translation of the full submission, including its annexes and charts, and the conversion of the data, if necessary, before the Commission shall meet for consideration of the submission.

Rule 48
Recording of the submission

1. Each submission shall be recorded by the Secretary-General upon receipt.

2. The record shall contain the date of receipt of the submission, a list of attachments and annexes thereto and the date of entry into force of the Convention for the coastal State which made the submission.

Rule 49
Acknowledgement of the receipt of the submission

The Secretary-General shall promptly acknowledge by letter to the submitting State the receipt of its submission and attachments and annexes thereto, specifying the date of receipt.

Rule 50
Notification of the receipt of a submission and publication of the proposed outer limits of the continental shelf related to the submission

The Secretary-General shall, through the appropriate channels, promptly notify the Commission and all States Members of the United Nations, including States Parties to the Convention, of the receipt of the submission, and make public the executive summary including all charts and coordinates referred to in paragraph 9.1.4 of the Guidelines and contained in that summary, upon completion of the translation of the executive summary referred to in rule 47, paragraph 3.

Rule 51
Consideration of the submission[6]

1. Upon receipt of a submission by the Secretary-General, the consideration of that submission shall be included in the provisional agenda of the next ordinary session of the Commission prepared in accordance with rule 5 and paragraph 2 of Annex III, provided that that session, as convened in accordance with rule 2, is held not earlier than three months after the date of the publication by the Secretary-General of the executive summary including all charts and coordinates referred to in rule 50.

2. If the next ordinary session of the Commission is not scheduled within a reasonable time, the Chairperson of the Commission may, upon the notification by the Secretary-General of the receipt of the submission in accordance with rule 50, request an additional session to be convened in accordance with rule 2, within a suitable time for the purpose of considering the submission.

3. The submission shall be considered in accordance with the rules on confidentiality contained in Annex II to these Rules.

[6] For the Modus Operandi for the consideration of a submission made to the Commission see Annex III.

4. Unless it decides otherwise, the Commission shall establish a subcommission in accordance with rule 42 for the consideration of each submission.

5. The recommendations prepared by the subcommission[7] shall be submitted in writing to the Chairperson of the Commission.

Rule 52
Attendance by the coastal State at the consideration of its submission

The Commission shall, through the Secretary-General, notify the coastal State which has made a submission, no later than sixty days prior to the opening date of the session, of the date and place at which its submission will be first considered. The coastal State shall, in accordance with article 5 of Annex II to the Convention, be invited to send its representatives to participate, without the right to vote, in the proceedings deemed relevant by the Commission pursuant to section VII of Annex III to these Rules.

Rule 53
Recommendations of the Commission

1. The Commission shall consider and approve or amend the recommendations prepared by the subcommission following their submission by the subcommission, ensuring that sufficient time is allowed in each case.

2. The recommendations of the Commission based on the recommendations prepared by the subcommission shall be approved in accordance with rule 35 and rule 37, paragraph 1.

3. The recommendations of the Commission on matters related to the establishment of the outer limits of the continental shelf shall be submitted in writing to the coastal State which made the submission and to the Secretary-General, in accordance with article 6, paragraph 3, of Annex II to the Convention. For this purpose the Chairperson of the Commission shall transmit to the Secretariat two copies of the recommendations, one to be submitted to the coastal State, and one to remain in the custody of the Secretary-General. If the submission was not originally made in English, the recommendations shall be translated by the Secretariat into the official language in which the submission was originally made. The translation shall be transmitted to the coastal State together with the original English text of the recommendations.

4. In the case of disagreement by the coastal State with the recommendations of the Commission, the coastal State shall, in accordance with article 8 of Annex II to the Convention, make a revised or new submission to the Commission within a reasonable time.

5. The outer limits of the continental shelf established by a coastal State on the basis of the recommendations of the Commission shall be final and binding, in accordance with article 76, paragraph 8, of the Convention.

[7] For the provisions regulating the preparation of recommendations by a subcommission see section V of Annex III.

Rule 54
Deposit and publicity of the limits of the continental shelf

1. The coastal State shall, in accordance with article 76, paragraph 9, and article 84 of the Convention, deposit with the Secretary-General of the United Nations and the Secretary-General of the International Seabed Authority charts and relevant information, including geodetic data permanently describing the outer limits of its continental shelf.

2. Pursuant to article 84 of the Convention, in the case of delimitation of the continental shelf between States with opposite or adjacent coasts, charts and/or coordinates describing the lines of delimitation drawn in accordance with article 83 of the Convention shall be deposited with the Secretary-General of the United Nations.

3. Upon giving due publicity to the charts and relevant information, including geodetic data, permanently describing the outer limits of the continental shelf deposited by the coastal State in accordance with article 76, paragraph 9, of the Convention, the Secretary-General shall give due publicity also to the recommendations of the Commission which in the view of the Commission are related to those limits.

XII. Advice to a coastal State

Rule 55
Advice to a coastal State

1. A coastal State may request scientific and technical advice from the Commission, in accordance with article 3, paragraph 1 (b), of Annex II to the Convention.

2. The Commission shall elect a standing subsidiary body composed of five of its members, which will prepare with respect to each request a list of proposed members who may provide advice taking into consideration the technical and scientific nature of each request. The list shall contain a copy of the scientific curriculum vitae of each proposed member. The preparation of this list may take into consideration an explicit request made by a coastal State for the advice of any member of the Commission.

3. The maximum number of members of the Commission who may provide advice to a coastal State in support of a submission shall not exceed three.

4. The dates and terms of advice shall be determined by agreement between the selected members of the Commission and the coastal State.

5. The members selected to provide technical and scientific advice to the coastal State shall submit to the Commission a report outlining their activities.

XIII. Cooperation with competent international organizations

Rule 56
Cooperation with competent international organizations

The procedure for cooperation referred to in article 3, paragraph 2, of Annex II to the Convention shall be decided by the Commission on a case-by-case basis.

XIV. Advice by specialists

Rule 57
Advice by specialists

1. The Commission may, to the extent considered necessary and useful, consult specialists in any field relevant to the work of the Commission.

2. The Commission shall decide in each case the way in which such consultations may be conducted.

XV. Adoption of other regulations, guidelines and annexes to the Rules of Procedure

Rule 58
Adoption of other regulations, guidelines and annexes to the Rules of Procedure

1. Subject to rules 35 and 37, the Commission may adopt such regulations, guidelines and annexes to the present Rules as are required for the effective performance of its functions.

2. The annexes form an integral part of these Rules, and a reference to the Rules or any part thereof includes a reference to the annexes relating thereto.

XVI. Amendments to the Rules of Procedure

Rule 59
Amendments to the Rules of Procedure

Subject to rules 35 and 37, the Commission may amend the present Rules and its annexes as well as other regulations and guidelines.

Annex I

Submissions in case of a dispute between States with opposite or adjacent coasts or in other cases of unresolved land or maritime disputes

1. The Commission recognizes that the competence with respect to matters regarding disputes which may arise in connection with the establishment of the outer limits of the continental shelf rests with States.

2. In case there is a dispute in the delimitation of the continental shelf between opposite or adjacent States, or in other cases of unresolved land or maritime disputes, related to the submission, the Commission shall be:

(a) Informed of such disputes by the coastal States making the submission; and

(b) Assured by the coastal States making the submission to the extent possible that the submission will not prejudice matters relating to the delimitation of boundaries between States.

3. A submission may be made by a coastal State for a portion of its continental shelf in order not to prejudice questions relating to the delimitation of boundaries between States in any other portion or portions of the continental shelf for which a submission may be made later, notwithstanding the provisions regarding the ten-year period established by article 4 of Annex II to the Convention.

4. Joint or separate submissions to the Commission requesting the Commission to make recommendations with respect to delineation may be made by two or more coastal States by agreement:

(a) Without regard to the delimitation of boundaries between those States; or

(b) Having indicated by means of geodetic coordinates the extent to which a submission is without prejudice to the matters relating to the delimitation of boundaries with another or other States Parties to this Agreement.

5. (a) In cases where a land or maritime dispute exists, the Commission shall not consider and qualify a submission made by any of the States concerned in the dispute. However, the Commission may consider one or more submissions in the areas under dispute with prior consent given by all States that are parties to such a dispute.

(b) The submissions made before the Commission and the recommendations approved by the Commission thereon shall not prejudice the position of States which are parties to a land or maritime dispute.

6. The Commission may request a State making a submission to cooperate with it in order not to prejudice matters relating to the delimitation of boundaries between opposite or adjacent States.

Annex II

Confidentiality

1. Safe custody of the submission

The Secretary-General shall ensure the safe custody of the submission and the attachments and annexes thereto at United Nations Headquarters in New York until such time as they are required by the Commission.

2. Classification as confidential of data and information by the coastal State

1. The coastal State making a submission may classify as confidential any data and other material, not otherwise publicly available, that it submits in accordance with rule 45. In dealing with such classified material and in the exercise of all their other functions, the members of the Commission shall enjoy the privileges and immunities as experts on mission for the United Nations in accordance with article VI of the Convention on the Privileges and Immunities of the United Nations.[a]

2. Confidential material so classified by the coastal State shall be submitted in accordance with rule 47, paragraph 2, to the Chairperson of the Commission in a separate sealed package, with a list of the material included therein.

3. Confidential material so classified by the coastal State shall remain confidential after the consideration of the submission is concluded unless decided otherwise by the Commission with the written consent of the coastal State concerned.

3. Access to confidential data and information

1. Save with the consent of the coastal State making the submission, access to confidential material shall be in accordance with the procedures set out in this rule and shall be confined to:

(a) The members of the Commission; and

(b) The Secretary-General and other members of the Secretariat designated for that purpose.

2. Access to confidential material shall only be given by the Secretary-General at the request of the Chairperson of the Commission and of the chairpersons of the relevant subcommissions.

3. Access to confidential material submitted by the coastal State or States shall be given by the Secretary-General through the chairpersons to the members of the Commission or the relevant subcommissions that have been established to consider the submission.

4. All confidential material forwarded with the submission shall be consulted in the room designated for that purpose and only in the presence of the Secretary-General or one of his or her staff members designated for that purpose.

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a The legal opinion on the applicability of the Convention on the Privileges and Immunities of the United Nations to the members of the Commission was provided in a letter dated 11 March 1998 from the Legal Counsel, Under-Secretary-General of the United Nations for Legal Affairs, addressed to the Commission on the Limits of the Continental Shelf (CLCS/5).

5. Whenever confidential material is consulted, the name of the person who has authorized access and the time and date of such consultation shall be recorded in the register maintained for that purpose by the Secretary-General or one of his or her designated staff members. The member consulting the confidential material and the staff member present during the consultation shall print their names clearly and sign the entry.

6. Confidential material shall not be copied, duplicated or reproduced in any manner without the written authorization of the coastal State that submitted it.

4. Duty to preserve confidentiality

1. The deliberations of the Commission and subcommissions on all submissions made in accordance with article 76, paragraph 8, of the Convention shall take place in private and remain confidential.

2. Only members of the subcommission and, if necessary, specialists appointed in accordance with rule 57 shall take part in the subcommission deliberations on submissions. The Secretary and other members of the staff of the Secretariat as may be required shall be present. No other person shall be present except by permission of the subcommission.

3. Any records of the Commission and subcommission deliberations on all submissions shall contain only the title or nature of the subjects or matters discussed and the results of any vote taken. They shall not contain any details of the discussions or the views expressed, provided, however, that any member is entitled to require that a statement made by him be inserted in the records.

4. The members of the Commission shall not disclose, also after they cease to be members, any confidential information coming to their knowledge by reason of their duties in relation to the Commission.

5. The duty of the members of the Commission not to disclose confidential information constitutes an obligation in respect of the individual's membership in the Commission.

5. Enforcement of rules on confidentiality

1. The Commission shall elect a standing Committee on Confidentiality composed of five of its members to deal with issues of confidentiality. In case of an alleged breach of confidentiality by a member of the Commission, the Commission may institute appropriate proceedings. In such cases, the Committee on Confidentiality shall establish an investigating body consisting of three or five of its members. The work of the investigating body shall be conducted in strict confidentiality and shall follow established procedures with regard to due process. Having completed its examination of the case, the investigating body shall prepare a report on its findings. The report shall contain the following:

(a) The allegations of a breach of confidentiality;

(b) The statement of the member of the Commission concerned;

(c) A synopsis of the evidence and the evaluation of it by the investigating body;

(d) The findings, indicating which of the allegations, if any, appear to be supported by the evidence;

(e) The conclusions reached by the investigating body; and

(f) Dissenting or separate opinions, if any.

2. The report shall be presented by the Chairperson of the Committee on Confidentiality to the Commission. The Commission shall inform the Meeting of States Parties of the allegations and the results of the investigation, together with its recommendations.

3. The Secretary-General shall provide the Commission with all necessary assistance in enforcing the rules concerning confidentiality.

6. Cessation of confidentiality

The charts and relevant information, including geodetic data, describing the outer limits of the continental shelf, which are deposited by the coastal State with the Secretary-General and which are to be given due publicity by the Secretary-General in accordance with article 76, paragraph 9, of the Convention, shall cease to be classified as confidential, if they had been so classified earlier, upon their receipt by the Secretary-General.

7. Return of confidential data and information to the coastal State

Any and all confidential material submitted by the coastal State, other than materials subject to the provisions of paragraph 6 of this Annex, shall be returned to the coastal State upon its request at any time, and in any event after receipt by the Secretary-General of the charts and relevant information, including geodetic data, referred to in paragraph 6 of this Annex.

Annex III

Modus operandi for the consideration of a submission made to the Commission on the Limits of the Continental Shelf

I. Submission by a coastal State

1. Format and number of copies of the submission

1. In accordance with paragraphs 9.1.3, 9.1.4, 9.1.5 and 9.1.6 of the Guidelines, the submission shall contain three separate parts: an executive summary, a main analytical and descriptive part (main body), and a part containing all data referred to in the analytical and descriptive part (supporting scientific and technical data).

2. If the submission is made in hard copy only, it shall be made in accordance with paragraph 9.1.3 of the Guidelines, i.e. the submission shall consist of the following number of copies: 22 copies of the executive summary, 8 copies of the main analytical and descriptive part, and 2 copies of the part containing all data referred to in the analytical and descriptive part. Should a coastal State choose to make a submission in electronic form as well, it is required to be in a secure unalterable format, and to be certified to contain a true and complete copy of the hard copy of the submission. In the case of discrepancies between the electronic and hard copy of the submission, the latter will be deemed the primary source.

II. Organization of the work of the Commission

2. Agenda items related to the submission

Upon notification that a submission has been received and made public in accordance with rule 50, and after a period of at least three months following the date of publication, in accordance with rule 51, paragraph 1, the Commission shall convene its session with the following items on the provisional agenda prepared in accordance with rule 5 and rule 51, paragraph 1:

(a) Presentation of the submission by coastal State representatives, to include the following subjects:

(i) Charts indicating the proposed limits;

(ii) The criteria of article 76 of the Convention which were applied;

(iii) Names of members of the Commission who have assisted the coastal State by providing scientific and technical advice with respect to the delineation;

(iv) Information regarding any disputes related to the submission; and

(v) Comments on any note verbale from other States regarding the data reflected in the executive summary including all charts and coordinates as made public by the Secretary-General in accordance with rule 50.

(b) Consideration of any information regarding any disputes related to the submission, and decisions in accordance with rule 46 and Annex I to these Rules as to whether to proceed with the consideration of the submission, or part thereof, or

not. The Commission may defer these decisions to a subcommission in accordance with paragraph 7.

(c) Consideration of how to proceed with the further work of the Commission, inter alia, by way of a subcommission, in accordance with article 5 of Annex II to the Convention.

III. Initial examination of the submission

3. Format and completeness of the submission

The subcommission shall examine whether the format of the submission is in compliance with the requirements set out in paragraph 1, and shall ensure that all necessary information has been included in the submission. If it is deemed necessary, the subcommission may request the coastal State to correct the format and/or to provide any necessary additional information, in a timely manner.

4. Working language of the subcommissions

In recognition of the size and complexity of the submission, the resources and the time-constraints involved in the translation, and the timely consideration of the submission by the Commission, the working language of the subcommission shall be English.

5. Preliminary analysis of the submission

The subcommission shall undertake a preliminary analysis of the submission in accordance with article 76 of the Convention and the Guidelines in order to determine:

(a) If the test of appurtenance is satisfied by the coastal State;

(b) Which portions of the outer limits of the continental shelf are determined by each of the formulae and constraint lines provided for in article 76 of the Convention and the Statement of Understanding;

(c) If the construction of the outer limits contains straight lines not longer than 60 M;

(d) If the subcommission intends to recommend that the advice of specialists, in accordance with rule 57, or that the cooperation of relevant international organizations, in accordance with rule 56, be sought; and

(e) The estimated time required by the subcommission to review all the data and prepare its recommendations for the Commission.

6. Clarifications

1. The subcommission shall determine whether there are any matters to be clarified by the coastal State.

2. If necessary, the Chairperson of the subcommission shall, through the Secretariat, request clarification from the representatives of the coastal State on those matters. Clarifications should be sought in the form of written questions and answers and translated by the Secretariat, if necessary, into the language in which

the submission was made. If the delegation of experts from the submitting State is available at United Nations Headquarters in New York, the written communication should be combined with consultations between the national experts and members of the subcommission at meetings arranged by the Secretariat.

7. Disputes related to a submission

The subcommission shall examine all information regarding any disputes related to the submission, in accordance with rule 46. If necessary, the subcommission shall take action based on the procedures in Annex I to these Rules.

8. Notification to the Commission

1. The initial examination shall be completed within a period of not more than one week, after which the subcommission shall notify the Commission of the estimated time and possible advice it might need in order to complete the review of the submission and prepare recommendations thereon for the Commission.

2. The Commission or the subcommission, through the Secretariat, shall notify the coastal State of the preliminary timetable for the examination of the submission by the subcommission.

IV. Main scientific and technical examination of the submission

9. Examination of the submission

1. The subcommission shall conduct an examination of the submission based on the Guidelines in order to evaluate the following, where applicable:

(a) The data and methodology employed by the State to determine the location of the foot of the continental slope;

(b) The methodology used to determine the formula line at a distance of 60 M from the foot of the continental slope;

(c) The data and methodology used to determine the formula line delineated by reference to the outermost fixed points at each of which the thickness of sedimentary rocks is at least 1 per cent of the shortest distance from such point to the foot of the continental slope, or not less than 1 kilometre in the cases in which the Statement of Understanding applies;

(d) The data and methodology employed in the determination of the 2,500-metre isobath;

(e) The methodology used to determine the constraint line at a distance of 100 M from the 2,500-metre isobath;

(f) The data and methodology used to determine the constraint line at a distance of 350 M from the baselines from which the breadth of the territorial sea is measured;

(g) The construction of the formulae line as the outer envelope of the two formulae;

(h) The construction of the constraint line as the outer envelope of the two constraints;

(i) The construction of the inner envelope of the formulae and constraint lines;

(j) The delineation of the outer limit of the continental shelf by means of straight lines not longer than 60 M with a view to ensuring that only the portion of the seabed that satisfies all the provisions of article 76 of the Convention and the Statement of Understanding is enclosed;

(k) The estimates of the uncertainties in the methods applied, with a view to identifying the main source(s) of such uncertainties and their effect on the submission; and, in all cases,

(l) That the data submitted are sufficient in terms of quantity and quality to justify the proposed limits.

2. The subcommission shall operate through working sessions of suitable duration in the designated facilities at United Nations Headquarters in New York. In addition, the subcommission may decide to assign further work to its members on specific parts of the submission in intersessional periods.

10. Additional data, information or advice

1. At any stage of the examination, should the subcommission arrive at the conclusion that there is a need for additional data, information or clarifications, its Chairperson shall request the coastal State to provide such data or information or to make clarifications. Such a request, articulated in precise technical terms, shall be transmitted through the Secretariat. If necessary, the Secretariat will translate the request and questions. The data, information or clarifications requested shall be provided within a time period agreed upon between the coastal State and the subcommission.

2. If necessary, the subcommission may request the advice of other members of the Commission and/or, on behalf of the Commission, request the advice of a specialist in accordance with rule 57, and/or the cooperation of relevant international organizations, in accordance with rule 56.

V. Recommendations prepared by the subcommission

11. Formulation of the recommendations

1. The recommendations prepared by the subcommission shall be in accordance with article 76 of the Convention, the Statement of Understanding, these Rules and the Guidelines.

2. The recommendations prepared by the subcommission shall focus on the data and other material submitted by the coastal States in support of the establishment of the outer limits of their continental shelf.

3. The recommendations prepared by the subcommission shall include a summary thereof, and such summary shall not contain information which might be of a confidential nature and/or which might violate the proprietary rights of the coastal State over the data and information provided in the submission. The Secretary-General shall make public the summary of the recommendations upon their approval by the Commission.

12. Drafting of the recommendations

1. The subcommission may appoint one of its members to produce, after consultation with the other members, a first draft of the recommendations. Each member shall produce notes to be considered for the preparation of the draft.

2. The subcommission may prepare an "Outline of the recommendations prepared by the subcommission" containing the agreed format, contents and main conclusions at an appropriate time. Based on this outline and under the coordination and supervision of an appointed member, each member of the subcommission may be assigned the task of drafting various parts of the recommendations during intersessional periods.

3. At the next session of the subcommission, the combined draft, consolidated by an appointed member, shall be examined by the subcommission at a first reading. Any member who wishes to modify the draft may propose amendments in writing.

4. If the submission contains sufficient data and other material upon which the outer limits of the continental shelf are based, the recommendations shall include the rationale on which such recommendations are based.

5. If the submission contains sufficient data and other material supporting outer limits of the continental shelf which would be different from those proposed in the submission, the recommendations shall contain the rationale on which the recommended outer limits are based.

6. If the submission does not contain sufficient data and other material upon which the outer limits of the continental shelf could be based, the recommendations shall include provisions regarding the additional data and other material that may be needed to support the preparation of a revised or new submission in accordance with the Guidelines.

13. Adoption of the recommendations by the subcommission

1. Pursuant to rule 35, the subcommission shall make its best endeavours to ensure that its work is accomplished by general agreement. Accordingly, the subcommission shall make every effort to reach agreement on recommendations by way of consensus. There shall be no voting on such matters until all efforts to achieve consensus have been exhausted.

2. Should it prove impossible to achieve consensus, the subcommission shall proceed to vote according to rules 36 to 39.

14. Submission of the recommendations prepared by the subcommission to the Commission

The recommendations prepared by the subcommission shall be submitted in writing to the Chairperson of the Commission in accordance with rule 51, paragraph 45, through the Secretariat.

VI. Participation by coastal State representatives in the proceedings

15. Definition of relevant proceedings

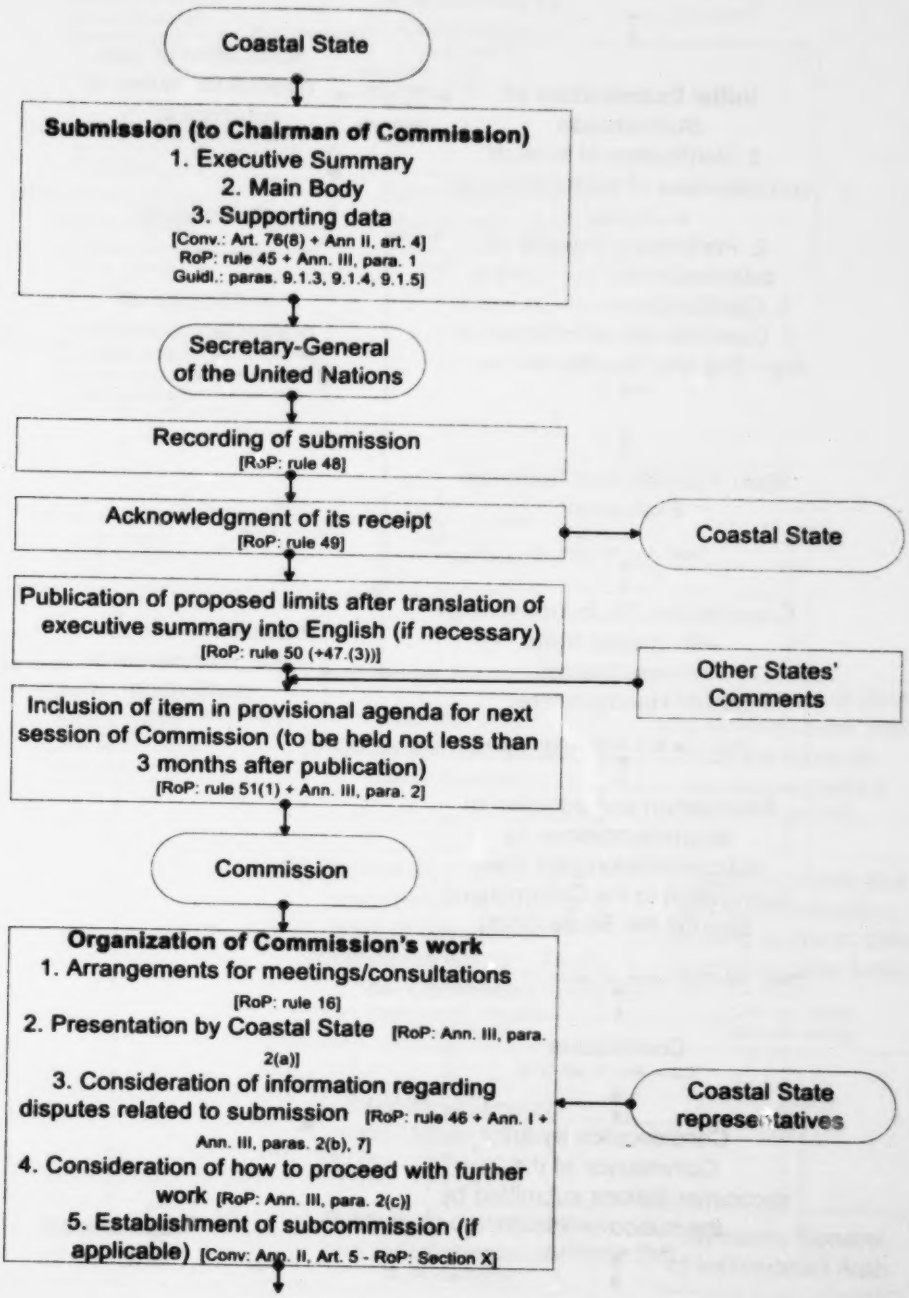
1. Representatives of the submitting coastal State can participate in the relevant proceedings of the Commission, in accordance with rule 52. For this purpose, the Commission, taking into consideration the particulars of each submission, will identify the proceedings deemed relevant for the participation of the representatives of the submitting coastal State. The Commission understands that there are two proceedings deemed relevant for all submissions:

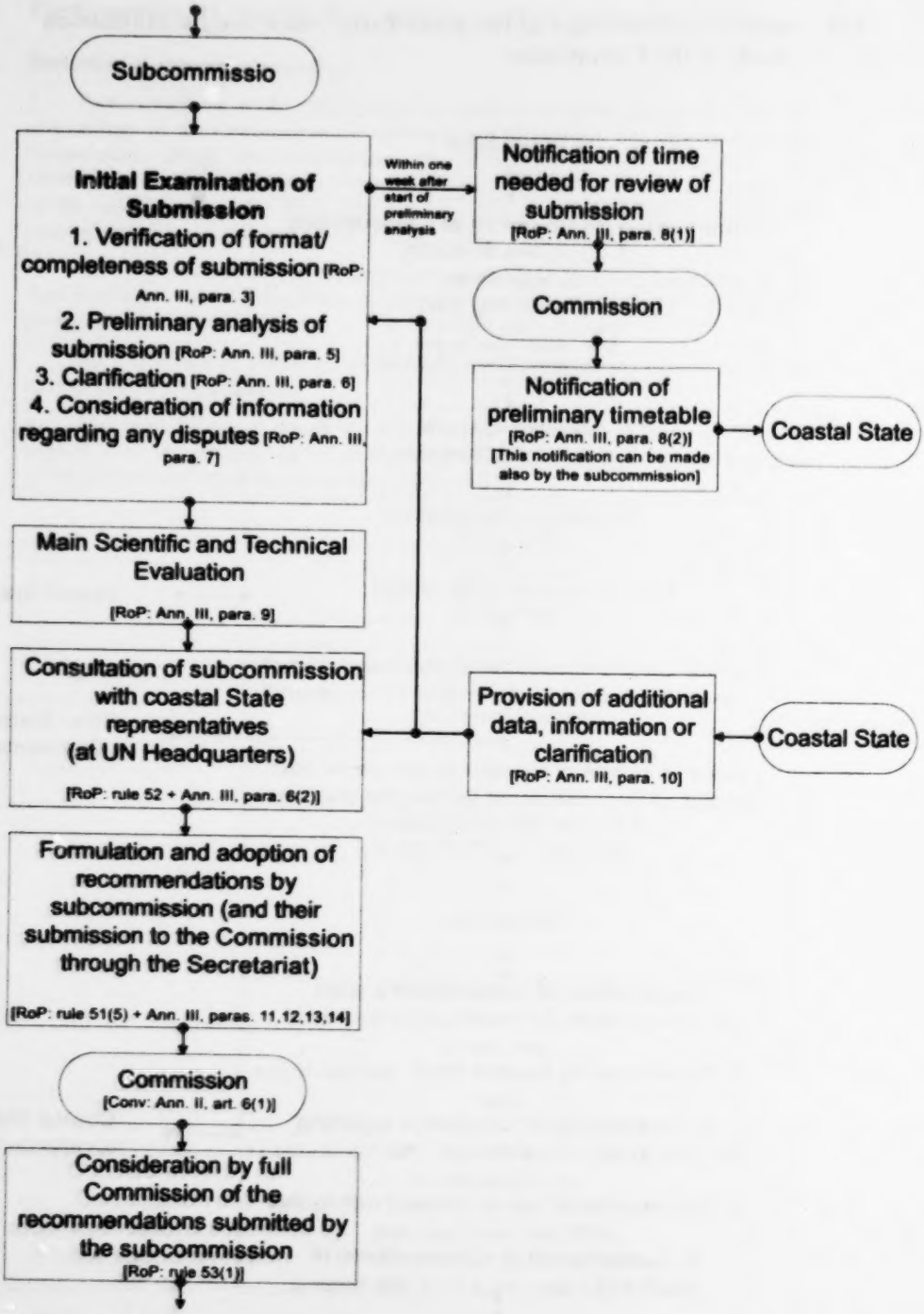
(a) The presentation of the submission by coastal State representatives at the first meeting of the Commission concerning the submission in accordance with paragraph 2 (a) of section II; and

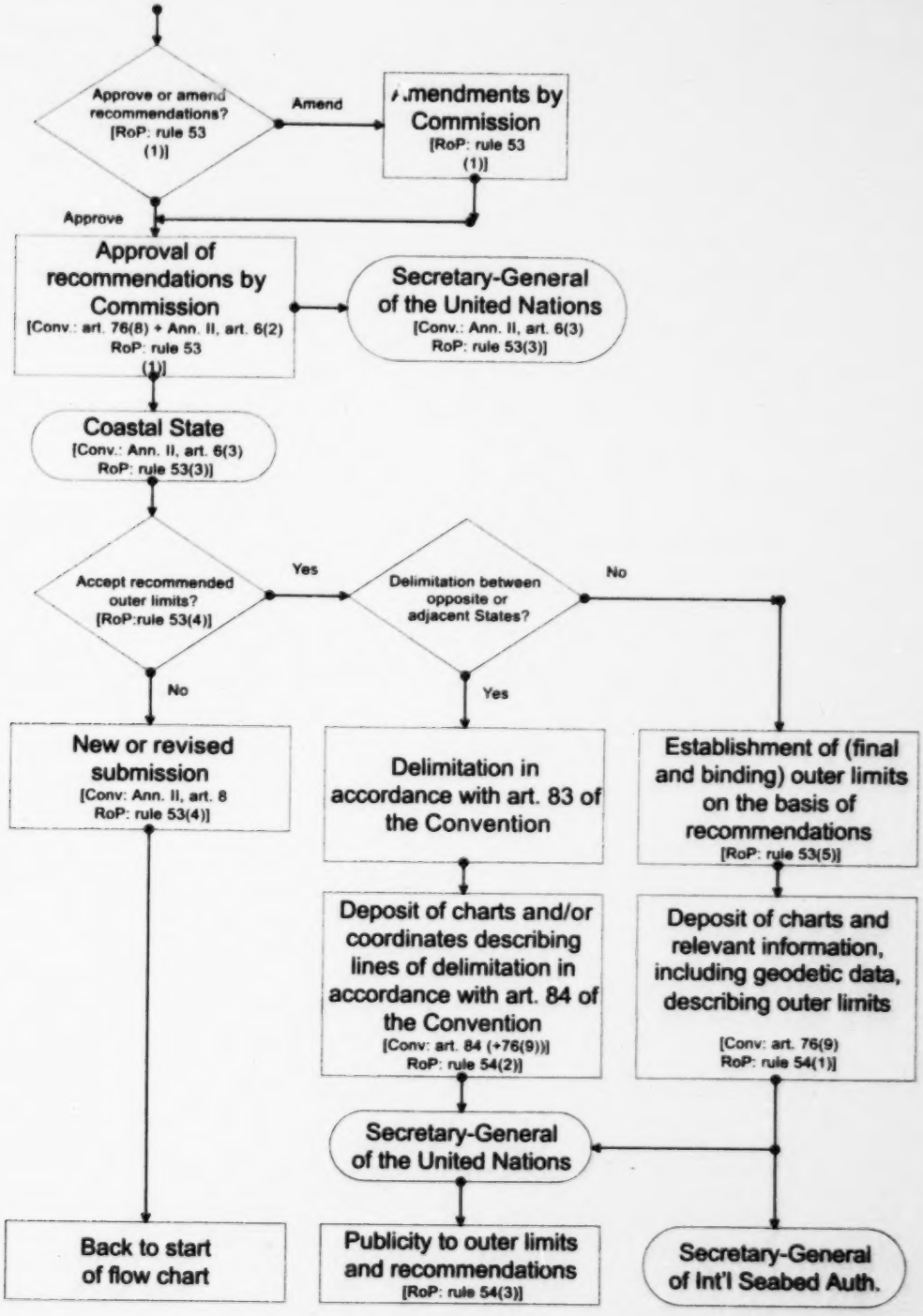
(b) Meetings at which the subcommission invites the representatives of the coastal State for consultation.

2. The proceedings at which the Commission considers the recommendations submitted by the subcommission shall be deemed not relevant for the participation of the representatives of the submitting coastal State.

VII. Summary flow chart of the procedures concerning a submission made to the Commission


Coastal State
Submission (to Chairman of Commission)
1. Executive Summary
2. Main Body
3. Supporting data
[Conv.: Art. 76(8) + Ann II, art. 4]
RoP: rule 45 + Ann. III, para. 1
Guidl.: paras. 9.1.3, 9.1.4, 9.1.5]
Secretary-General of the United Nations
Recording of submission
[RoP: rule 48]
Acknowledgment of its receipt
[RoP: rule 49]
Coastal State
Publication of proposed limits after translation of executive summary into English (if necessary)
[RoP: rule 50 (+47.(3))]
Other States' Comments
Inclusion of item in provisional agenda for next session of Commission (to be held not less than 3 months after publication)
[RoP: rule 51(1) + Ann. III, para. 2]
Commission
Organization of Commission's work
1. Arrangements for meetings/consultations [RoP: rule 16]
2. Presentation by Coastal State [RoP: Ann. III, para. 2(a)]
3. Consideration of information regarding disputes related to submission [RoP: rule 46 + Ann. I + Ann. III, paras. 2(b), 7]
4. Consideration of how to proceed with further work [RoP: Ann. III, para. 2(c)]
5. Establishment of subcommission (if applicable) [Conv: Ann. II, Art. 5 - RoP: Section X]
Coastal State representatives


Subcommissio
Initial Examination of Submission
1. Verification of format/ completeness of submission [RoP: Ann. III, para. 3]
2. Preliminary analysis of submission [RoP: Ann. III, para. 5]
3. Clarification [RoP: Ann. III, para. 6]
4. Consideration of information regarding any disputes [RoP: Ann. III, para. 7]
Within one week after start of preliminary analysis
Notification of time needed for review of submission
[RoP: Ann. III, para. 8(1)]
Commission
Notification of preliminary timetable
[RoP: Ann. III, para. 8(2)]
[This notification can be made also by the subcommission]
Coastal State
Main Scientific and Technical Evaluation
[RoP: Ann. III, para. 9]
Consultation of subcommission with coastal State representatives (at UN Headquarters)
[RoP: rule 52 + Ann. III, para. 6(2)]
Provision of additional data, information or clarification
[RoP: Ann. III, para. 10]
Coastal State
Formulation and adoption of recommendations by subcommission (and their submission to the Commission through the Secretariat)
[RoP: rule 51(5) + Ann. III, paras. 11,12,13,14]
Commission
[Conv: Ann. II, art. 6(1)]
Consideration by full Commission of the recommendations submitted by the subcommission
[RoP: rule 53(1)]


Approve or amend recommendations? [RoP: rule 53 (1)]
Amend
Amendments by Commission [RoP: rule 53 (1)]
Approve
Approval of recommendations by Commission [Conv.: art. 76(8) + Ann. II, art. 6(2) RoP: rule 53 (1)]
Secretary-General of the United Nations [Conv.: Ann. II, art. 6(3) RoP: rule 53(3)]
Coastal State [Conv.: Ann. II, art. 6(3) RoP: rule 53(3)]
Accept recommended outer limits? [RoP:rule 53(4)]
Yes
Delimitation between opposite or adjacent States?
No
No
Yes
New or revised submission [Conv: Ann. II, art. 8 RoP: rule 53(4)]
Delimitation in accordance with art. 83 of the Convention
Establishment of (final and binding) outer limits on the basis of recommendations [RoP: rule 53(5)]
Deposit of charts and/or coordinates describing lines of delimitation in accordance with art. 84 of the Convention [Conv: art. 84 (+76(9))] RoP: rule 54(2)]
Deposit of charts and relevant information, including geodetic data, describing outer limits [Conv: art. 76(9) RoP: rule 54(1)]
Secretary-General of the United Nations
Back to start of flow chart
Publicity to outer limits and recommendations [RoP: rule 54(3)]
Secretary-General of Int'l Seabed Auth.